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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,024	11/12/2003	Wilton W. Webster JR.	51216/AW/W112	6209
23363	7590	10/16/2007	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			CAZAN, LIVIUS RADU	
PO BOX 7068			ART UNIT	PAPER NUMBER
PASADENA, CA 91109-7068			3729	
MAIL DATE		DELIVERY MODE		
10/16/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/706,024	WEBSTER ET AL.
	Examiner	Art Unit
	Livius R. Cazan	3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 June 2007.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin (US6144870) in view of Aldridge (US3717839). Davies et al. ("The Rate Dependence of Confor Polyurethane Foams") is used as extrinsic evidence (see the Office Action mailed on 10/13/2006).

**Regarding claims 1, 2, and 7-9,** as discussed in the Office Action mailed on 10/13/2006, Griffin discloses substantially the same invention as the Applicant. However, Griffin does not disclose the newly added limitation of a sliding ring electrode having a proximal portion comprising a pre-formed flared skirt [...] wherein the pre-formed flared skirt tapers outwardly and proximally beginning at about a midpoint of the ring electrode.

It is very well known to provide a flared portion to a generally cylindrical first member in order to allow easier insertion of a second member. For example, Aldridge forms a flared portion (10, Figs. 1 and 2) at *about* a midpoint of the cylindrical portion of the terminal. This flared portion allows the end of a cable to be inserted more easily (see col. 2, Ins. 27-31).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Griffin, in view of the teachings of Aldridge, by providing the metal sleeve electrode with a flared portion as claimed. One of ordinary skill in the art would have been motivated to do so in order to allow easy assembly of the electrode to the shaft. Moreover, it would have been obvious to form the flared portion so that it proximally begins at *about* the midpoint of the electrode because the electrodes are relatively small, and forming the flared portion too close to one of the axial ends of the electrode would negate the guiding function of a flared portion due to a steeper angle relative to the surface of the shaft.

**Regarding claims 3 and 4,** Griffin in view of Aldridge does not disclose wrapping the lead wire around the shaft at least two times nor using a clove hitch arrangement to secure the lead wire to the shaft.

At the time the invention was made, it would have been obvious matter of engineering design choice to a person of ordinary skill in the art to wrap the lead wire around the shaft more than once and to use a clove hitch arrangement because the Applicant admits that the particular arrangement is not essential, as long as the

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electrode lead wire is secured to the surface of the shaft (page 2, lns. 25-35). Therefore, any wire arrangement that results in a secure connection will be adequate.

Therefore it would have been *prima facie* obvious to modify the invention of Griffin to obtain the invention as specified in claims 3 and 4 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Griffin in view of Aldridge.

**Regarding claims 5 and 6,** Griffin in view of Aldridge does not disclose a particular angle of a flared portion.

However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to form a flaring angle of between about 4 and about 8 degrees, in particular about 6 degrees, because discovering the optimum angle so as to easily slide the electrode over the catheter shaft would have required only routine skill in the art.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

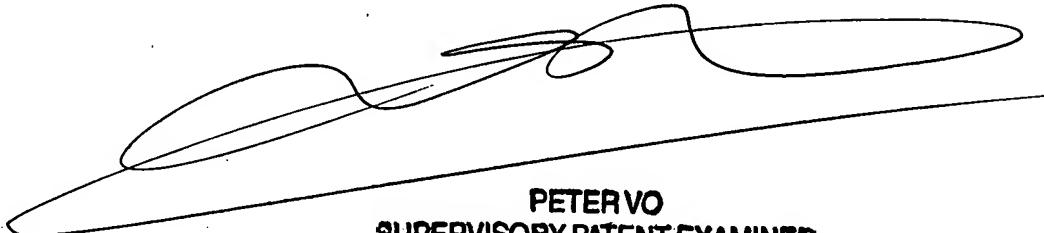
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Livius R. Cazan whose telephone number is (571) 272-8032. The examiner can normally be reached on 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571)272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LRC/ 10/12/2007



PETER VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700